



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**

Commission Meeting: March 11, 2004

Commissioners

Present

Deborah Wood Dorsey, Chairperson
Mario Acosta-Velez
Reverend Susan N. Blue
Pierpont Mobley
Donald Murray
Darryl Ross
Michael Ward
Daniel Wedderburn
Warner Session

Absent

Christina Fleps
James E. Joiner
Joe E. Leonard
Bro. Donald Lippert
Christine Warnke
Frank Wu

For the Commission

Cornelius R. Alexander, Jr., Chief Hearing Examiner

For the Office of Human Rights

Kenneth L. Saunders, Director
Alexis Taylor, General Counsel

I. CALL TO ORDER

The March 11, 2004 Human Rights Commission meeting was called to order at 6:19 P.M.

II. ROLL CALL/ANNOUNCEMENT OF QUORUM

Because of the absence of the Secretary, Vice-Chairperson Acosta-Velez called the roll. Initially there was no quorum, however, due to the late arrival of additional Commissioners, a quorum was established.

III. APPROVAL OF THE JANUARY 8, 2004 MINUTES

The Commission approved, by voice vote, the January 8, 2004 minutes with the following corrections:

-Roman Numeral VI, first paragraph, change the tense to indicate that the complaint was administratively dismissed

-To keep continuity, change all text that states “Human Rights Commission” to “The Commission”

-Roman Numeral VII, Chairperson’s Report, line 5, change panelist to analyst

IV. DIRECTOR’S REPORT

Director Kenneth L. Saunders reported on activities at the Office of Human Rights. He stated that 296 aged cases remained on the docket. That amount of cases has remained constant since December, when the General Counsel left the agency. However, with the hiring of the new General Counsel and Legal Advisor the amount of aged cases should decrease as the new legal team reviews the Letter of Determinations.

In other matters, Director Saunders reported that the Fair Housing Symposium would be held on April 20, 2004. He also stated that on April 12-16, 2004, mediation training would be conducted for all investigators. The U. S. Department of Housing and Urban Development gave a very good assessment of OHR’s fair housing program.

In addition, the Director reported that the Language Access Act of 2004 would soon be enacted by the City Council. In preparation for OHR enforcing the statute, the City Council already transferred \$300,000 to OHR for hiring a director and staff assistant of the program who would be responsible for enforcing the new law.

Director Saunders introduced Alexis Taylor, the General Counsel, to the Commission.

Lastly, Mr. Saunders reported that as of February 2004, the OHR has achieved \$715,000 in settlements for complainants during the current fiscal year. It is expected that by the end of the fiscal year ending September 2004, the OHR will obtain approximately \$1.5 million in settlements and judgments.

V. CHIEF HEARING EXAMINER’S REPORT

Chief Hearing Examiner Cornelius R. Alexander, Jr. reported that the District of Columbia Court of Appeals remanded *Saxon v. River Park Mutual Homes* to the Commission for further proceedings. In its remand, the Court ruled that the Commission’s finding that Ms. Saxon’s complaint was timely filed via a continuing violation theory was incorrect. The Court held that the alleged act of discrimination was a discreet act that sets in motion when the one-year statute of limitations runs. Because the Commission did not state

when the act of discrimination occurred, the case was remanded to the Commission to make such a finding.

In other matters, the Chief Hearing Examiner reported that the OHR certified *Boyd v. Silver Spring Ambulance Services*, *Williams v. Raden*, *Asfaw v. Parking & Service Workers Union*, and *Wolde v. Parking & Service Workers Union* to the Commission for public hearings. Each of the cases are employment discrimination cases involving issues either race or national origin discrimination.

Mr. Alexander reported that the parties in *Evans v. T. Gregory Guards* notified the Commission that they reached a settlement in the case and that the case would not go forward to a public hearing. The terms of settlement are being reduced to writing and will be presented to the Commission for approval. In *Fencile v. Gallaudet University*, the parties have also indicated that they are close in settling the case and asked the Commission to provide a mediator to help resolve a minor issue. In *Young v. Amtrak*, the Commission issued a ruling that the respondent did not have to respond to the Complainant's Partial Motion for Summary Judgment until after the close of discovery.

VI. CHAIRPERSON'S REPORT

Chairperson Dorsey discussed her testimony at the oversight hearing before Councilmember Jim Graham. She stated that the Councilmember "feels our pain" regarding a limited budget and limited office space for the Commission staff. With regard to the office space, Councilmember Graham requested that a separate meeting be scheduled to discuss that problem. The Chairperson also stated that the oversight hearing resulted in the Councilmember having a better understanding of our case process system and the amount of money and time it takes to adjudicate a case.

In other matters, the Chairperson reported that Georgetown University Law School's Institute for Public Representation has agreed to represent complainants, who do not have private counsel, before the Commission. In addition to Georgetown, the director is planning to have a meeting with Robert Spagnoletti, the Corporation Counsel, to determine whether his office would be in a position to represent complainants before the Commission.

VII. VICE-CHAIRPERSON'S OUTREACH COMMITTEE REPORT

Vice-Chairperson Mario Acosta-Velez reported that members of the Commission will meet with leaders of the Gay, Lesbian, Bi-Sexual and Transgender (GLBT) community on March 17, 2004 to discuss discrimination issues that is facing that community. The meeting is part of the Commission's outreach program with various communities in the District of Columbia. The

GLBT community is interested in the Commission's outreach plans and case processing before the Office of Human Rights and the Commission.

VIII. OLD BUSINESS

No old business reported.

IX. NEW BUSINESS

No new business reported.

X. ANNOUNCEMENTS

Chief Hearing Examiner Alexander announced that the 27th annual Hubert Humphrey Awards Dinner will be held at the Washington Hilton on May 13, 2004. It is the civil rights community's largest event of the year. At the time of the meeting, this year's honorees have not been announced. The Commission is planning to have a table. Tickets to the event are \$200 each.

Commissioner Wedderburn announced that U.S. Representative John Conyers is receiving an award from the ACLU on March 25, 2004.

Chairperson Dorsey announced that HUD's Fair Housing Office is planning outreach program that would increase the awareness of housing discrimination.

XI. ADJOURNMENT

The March 11, 2004 Human Rights Commission meeting adjourned at 7:28 P.M.

Respectfully submitted,

Vice-Chairperson Acosta-Velez
On behalf of Secretary Warnke